

7.010 **Definitions.** For purposes of this chapter, the following words and phrases shall have the meanings ascribed to them by this section:

Access Connection. The area located within the public right-of-way that provides for the movement of vehicles to or from a development site onto and from the vehicular travel way of the public transportation system.

Access Connection Spacing. The distance between connections, measured from the closest edge of pavement of the first connection to the closest edge of pavement of the second connection along the edge of the traveled way.

Conflict Point. The point of potential collision where vehicle paths cross, merge into or diverge with one another, pedestrians or bicycles.

Controlled Intersection. An intersection that has a traffic signal.

Driveway. An area on real property where automobiles and other vehicles are operated or allowed to stand located outside of the public right-of-way that abuts the access connection and allows for vehicles to move to or from a development site.

Easement. A grant of one or more property rights by a property owner to or for use by the public, or another person or entity.

Intersection Influence Area. That area beyond the physical intersection of two rights of way that comprises the upstream decision and maneuver distance, plus any required vehicle storage length, and the downstream recovery distance of the primary street, and the protected corner clearance distance of the secondary street.

Joint Access (or Shared Access) Connection. An access connection that provides ingress/egress for one or more tracts of land, either undivided or consisting of two or more contiguous lots of record, to the public street system.

Municipal Utility. Services, such as water, sewage, drainage, water, electric, telephone, and television, provided to the public at large.

Partially Controlled Intersection. An intersection that has one or more stop signs or yield signs.

Primary Street. The street with the higher street classification of two intersecting streets.

Secondary Street. The street with the lower street classification of two intersecting streets.

7.290 ~~**Construction and Use of Public Way**~~ **Construction and Use – Permit Require; Standard Specifications.**

7.297 **Public Way Construction and Use - Permit; –Insurance Requirement; Safety.**

7.308

Public Way Construction and Use - Opening Public Ways; Restoration and Maintenance.

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Sidewalk, Curb and ~~Access Connection Driveway~~ Requirements

7.360 **Sidewalks, Curbs, and Access Connections - Standards.** All sidewalks, curbs, and access connections shall be built in accordance with city specifications and built to grades and alignments approved by the city engineer.

7.375 **Sidewalks, Curbs and Access Connections Driveway Approaches - Owner's Responsibility to Maintain.**

- (1) The owner of land abutting a sidewalk shall maintain the sidewalk and access connection driveway approaches in good repair and safe condition.
- (2) The owner shall be liable for injury, damage or loss to person or property caused by the owner's negligent failure to comply with subsection (1) of this section.
- (3) The city shall not be liable for injury, damage or loss to any person or property caused in whole or in part by the defective or dangerous condition of any sidewalk or driveway access connection approach.
- (4) The city engineer may serve notice on the owner to reconstruct or repair the abutting or adjoining sidewalk or driveway access connection approach as conditions may require. A notice to reconstruct or repair and the owner's duty to repair shall be governed by sections 7.152 to 7.154 of this code.
- (5) Neither the duty of the owner to maintain the sidewalk and driveway access connection approach in good repair and safe condition, nor liability for owner's failure to do so is dependent upon the notice from the city to reconstruct or repair.
- (6) The owner shall defend and hold harmless the city from all claims for loss or damage arising from the owner's failure to comply with subsection 7.375(1).

7.385 **Building Construction -- Sidewalks, Curbs and Driveway Access Connections - Approach Permit Required.**

- (1) No person shall construct, reconstruct or alter any sidewalk, curb, or access connection without issuance of permit from the city engineer.
- (2) Existing access connections to arterial and major collector streets must obtain an access connection permit in the following situations:
 - (a) Change of access connection location.
 - (b) When building or making a physical change in use of a structure or land increases the development site's peak hour trip generation by 50% or more and will generate 20 or more additional peak hour trips.
- (3) Concurrent with the issuance of a building permit for the construction of a structure or an addition to a structure, the owner, builder or contractor to whom the building permit is issued shall obtain a sidewalk and driveway access connection approach construction permit for the construction of a sidewalk within the dedicated right-of-way for the full frontage in which a sidewalk in good repair does not exist and for the construction of driveway access connections approaches at approved curb cut locations. The sidewalk construction shall be completed within the building construction period or within one year after the sidewalk and driveway access connection approach construction permit is issued, whichever is the lesser.
- (24) Sidewalk construction shall be exempted from the requirements of this section for building permits for:

- (a) Construction adjacent to streets that have not been improved to city street standards.
 - (b) Additions or alterations of single-family dwelling units and duplexes.
 - (c) All other structures, additions or alterations in which sidewalk construction costs would exceed 10% of the value of the proposed construction.
- (35) The city manager or designee may waive the requirement for sidewalk construction within rights-of-way where future street or public utility improvements are planned, where there is insufficient right-of-way, or where topographical and other physical constraints exist.
- (46) If a sidewalk or ~~driveway~~access connection approach is not constructed within the time required by this section, then the city may construct it for the full street frontage in front of the property and proceed with the construction, assessment and collections of costs as provided in section 7.154.
- (57) The city manager or manger's designee may, after providing notice to affected property owners and tenants, alter or revoke an access connection permit if:
- (a) The access connection is not constructed according to specification; or
 - (b) The access connection is not maintained in a safe manner; or
 - (c) The access connection becomes hazardous due to traffic congestion.
- (58) Any person aggrieved by administrative action of the city manager or the manager's designee taken under the provisions of this section may appeal the action to a hearing's official in the same manner as provided in section 2-0215.045 of this code. When rendering a decision the hearings official shall consider the provisions of subsections 7.385(17) ~~and (2)~~ of this code as well as the criteria in section 5.055 of this code.

7.400 Access Management – Purpose

- (1) Balance the need for a safe and efficient roadway system against the need to provide ingress and egress to developed land adjacent to the street.
- (2) Reduce conflict points in the transportation system by managing, the number, spacing, location and design of access connections.
- (3) Preserve intersection influence areas to allow drivers to focus on traffic operational tasks, weaving, speed changes, traffic signal indications, etc.
- (4) Reduce interference with through movement, caused by slower vehicles exiting, entering or turning across the roadway, by providing turning lanes or tapers and restricting certain movements.

7.405 Access Connections - Applications.

- (1) Access connection applications shall be reviewed and approved by the public works department prior to connecting to a public right-of-way.
- (2) Existing access connections along public right-of-way being improved through a publicly or privately engineered public improvement process shall be reviewed and approved by the public works department.
- (3) The city engineer shall prepare access connection design standards to be included in the city's adopted Design Standards and Guidelines for Eugene Streets, Sidewalks, Bikeways and Accessways for the safe and efficient use of the city's transportation system. The design standards shall include access connection application and decision forms.
- (4) Access connection applications shall specify the location, design and permitted use of the access connection. Review and approval of an access connection shall be based on the provisions of this Chapter 7, the Design

Standards and Guidelines for Eugene Streets, Sidewalks, Bikeways and Accessways.

7.405 Driveways – Prohibited Locations, Special Requirements and Revocation.

- ~~(1) No driveway approach shall be permitted to encompass a municipal facility. Under the permit, the applicant may be authorized to relocate a municipal facility, including any within the limits of a curb return which may be encroached upon as allowed under subsection 7.405(3).~~
- ~~(2) Properties at intersections shall have the driveway apron begin no less than 20 feet from the end of the radius of the curb, or 20 feet from the property corner if there is no curb.~~
- ~~(3) The Public Works Department shall maintain a street classification map or other map showing major streets that require special regulation of driveway approaches. The map and subsequent changes thereto shall be approved by the planning commission. All applications for driveway approaches on streets shown on the map and all commercial and industrial land uses shall be reviewed by the city manager or the manager's designee who may alter driveway approach requirements from standards provided in this code, based on the following:
 - ~~(a) To maximize safety for vehicular traffic, or~~
 - ~~(b) To provide adequate protection for pedestrians and bicyclists; or~~
 - ~~(c) To provide protection for establishments using streets for their service facilities.~~~~
- ~~(4) If a parcel has frontage on two or more streets of different street classifications, where practical, the driveway shall access only the street with the lowest classification.~~
- ~~(5) The city manager or the manager's designee shall have the right, after due notice to affected property owners and tenants, to alter and to revoke curb cut permits when curb cuts are not constructed according to specification, are not maintained in a safe manner, or become hazardous due to traffic congestion.~~
- ~~(6) Any person aggrieved by administrative action of the city manager or the manager's designee taken under the provisions of this section may appeal the action to a hearings official in the same manner as provided in section 5.045. When rendering a decision the hearings official shall consider the criteria in subsection 7.405(3) as well as the criteria in section 5.055 of this code.~~

7.410 Access Connections to Local Streets and Neighborhood Collectors – Number and Width of Connections Allowed~~Driveways – Curb Cut.~~

- ~~(1) Driveway curb cuts~~Access connections shall not exceed the following dimensions:
 - (a) Unless there is an access agreement between properties, properties under single ownership shall be entitled to one curb cut access connection per lot or parcel up to a width of 20 feet, if that is consistent with the requirements of this Chapter 7~~section 7.405~~ and requirements for vision clearance and maximum driveway access connection width allowed in ~~chapter~~Chapter 9 of this code.
 - (b) Multiple ~~curb cuts~~access connections may be approved provided the applicant ~~provides submits~~ a Traffic Impact Analysis or alternative traffic safety study ~~to that~~:
 1. Weighs additional conflicts and congestion for pedestrian, bicycle and vehicular traffic; and
 2. Substantiates compelling evidence of the safety and operational

benefits.

- (c) Where a shared ~~driveway curb cut or curb cuts~~access connection(s) in excess of 20 feet are requested, the maximum combined ~~lengths widths~~ per single ownership which the city manager or the manager's designee may approve are as follows:

<u>Frontage Connections</u>	<u>Number of Curb Cuts Access Connections</u>	<u>Total Length-Width of Curb Cuts Access</u>
40 ft. or less	1	20 feet
Over 40 ft. to 100 ft.	2	20 ft. + 50% of frontage over 40 ft.
Over 100 ft. to 200 ft. _____:	3	50 ft. + 30% of frontage over 100 ft.
Over 200 ft. to 300 ft. _____	4	80 ft. + 20% of frontage over 200 ft.
Over 300 ft. to 500 ft. _____	5	100 ft. + 10% of frontage over 300 ft.
Over 500 ft. _____	6	120 ft. + 5% of frontage over 500 ft.

~~(d) The curb cut width for single family dwelling or duplex shall be no less than 12 feet.~~

~~(e) The curb cut width for multi-family, commercial and industrial developments shall be no less than 20 feet.~~

- ~~(2) A safety island of not less than 22 feet of full height curb shall in all cases be provided between driveway approaches under one ownership or where practicable under separate ownership.~~

~~(3) _____~~

- ~~(3) The maximum length of a single curb cut, including a shared curb cut, shall not exceed 35 feet unless authorized by the city manager or the manager's designee as provided in section 7.445.~~

- ~~(4) In no event shall the curb cut extend beyond the property line or rights of the owner requesting the curb cut, except in those cases where:~~

~~(a) The adjacent property owner gives written approval, or~~

~~(b) In the opinion of the city manager or the manager's designee such a decision is necessary for safe ingress and egress for the traveling public; or~~

~~(c) Two attached single family dwellings face the same street with side by side parking, in which event, a single curb cut shall be required, and the property owners shall execute a recordable agreement providing for the joint use of the curb cut. Upon finding that a single curb cut would be impractical or unsafe, the city manager or the manager's designee may grant an exception to this requirement.~~

- (52)** Upon application of the involved property owners, more than one industrial development site may share a single curb cut access connection in I-1, I-2 and I-3 zones, upon a finding by the city manager or the manager's designee that it will result in safe ingress and egress for users thereof and the general public.

- (34) Access connections shall be located, designed and constructed in accordance with sections 7.420, 7.425 and 7.430 of this code.

7.415 Access Connections to Arterials and Major Collectors – Number of Connections Allowed.

- (1) If an existing or proposed access connection complies with Section 7.420 of this code, the access connection will be permitted.
- (2) Properties under single ownership will be allowed at least one direct access connection per development site, as defined by Chapter 9 of this code.
- (3) Access connections shall be located, designed and constructed in accordance with sections 7.420, 7.425 and 7.430 of this code.

7.415 Driveways – Existing Driveways. ~~All curb cuts deemed by the city manager or manager's designee to exceed a reasonable length shall be reconstructed by the owners of the property served by such curb cuts to conform to the provisions of this Code on or before three months after notice is given. Should the change not be made within the above mentioned time, the street adjacent to the curb cuts shall be appropriately marked for parking by the city engineer, so as to conform to the provisions of this Code regulating the length and number of curb cuts. In reconstructing and remodeling the curb cuts to conform to the provisions of this chapter, curbs shall be replaced in accordance with the specifications given by the city engineer.~~

7.425 Access Connections – General Design Requirements.

- (1) The access connection width for a single family dwelling or duplex shall be no less than 12 feet and no greater than 20 feet.
- (2) The access connection width for multi-family, commercial and industrial developments shall be no less than 20 feet.
- (3) The maximum width of a single access connection, including a shared access connection, shall not exceed 35 feet unless authorized by the city manager or manager's designee as provided in section 7.445.
- (4) An access connection can extend beyond the applicant's property line and serve more than one property in the following circumstances:
- (a) The adjacent property owner gives written approval, or
- (b) In the opinion of the city manager or the manager's designee such a decision is necessary for safe ingress and egress for the traveling public and an easement has been provided by the neighboring property owner;
- or
- (c) Two attached single-family dwellings face the same street with side by side parking, in which event, a single access connection shall be required, and the property owners shall execute a recordable agreement providing for the joint use of the access connection. Upon finding that a single access connection would be impractical or unsafe, the city manager or the manager's designee may grant an exception to this requirement.
- (5) Existing access connections that exceed the maximum allowable width and that are deemed by the city manager or manager's designee to be hazardous to the public use of the right-of-way shall be relocated and/or reconstructed by the owner(s) of the property served by the subject access connection.
- (a) Upon determination by the city manager or manager's designee that an

existing access connection is a hazard to the public use of the right-of-way, the city shall send the owner(s) of the property served by the subject access connection notice of the determination.

- (b) The owner(s) of the property served by the subject access connection may appeal the determination in accordance with section 2.021 of this code.
- (c) If no appeal is filed within the time specified in section 2.021 of this code, the owner(s) of the property served by the subject access connection shall have 90 days from the date of the notice to relocate and/or reconstruct the access connection to conform to the provisions of this code and adopted design standards.
- (d) If the owner fails to relocate and/or reconstruct the access connection to conform to the notice within 90 days, the city manager or manager's designee will cause the relocation and/or reconstruction to be completed and all expenses will be assessed against the property owner.

7.425 ~~**Driveways - Near Alleys.**~~ Driveway access connections located within five feet of an existing alley access connection may be merged with the alley pavement. The total curb cut width shall not exceed 35 feet. A public access easement shall be recorded and submitted to the city upon issuance of a permit to construct the driveway.

7.430 ~~**Driveways - Areas of Limited Street Improvements.**~~ **Access Connections - General Construction Requirements.**

- (1) All access connection approaches between the curb line and the back edge of the sidewalk shall be constructed of Portland cement concrete. The concrete of the access connection approach including the sidewalk section shall be constructed in accordance with construction specifications adopted by the city engineer.
- (2) The sidewalk section of the access connection approach shall be finished and scored as specified by the city engineer for typical sidewalk construction.
- (3) Access connections shall be constructed in accordance with the standard plans for access connections as filed with the city engineer, a copy of which shall be furnished the applicant at the time the construction permit is issued.
- ~~(14)~~ Where standard gutters and curbs have not been installed, the width of the driveway access connection approach shall be measured along the property line and shall comply with the same requirements as specified in section 7.410 and 7.425 for curb cuts. Permits shall not be issued for a surface improvement or paving on the street right-of-way between driveway access connections approaches unless a concrete curb or other physical obstruction, of a design satisfactory to the city engineer, is constructed and maintained by the applicant along his or her property line, so that the entrance and exit of vehicles to and from the applicant's property will be restricted to the established driveway approaches.
- ~~(25)~~ Where standard curbs and gutters have not been installed, the applicant shall pave the driveway access connections approaches or other areas within the right-of-way with asphaltic concrete or other material approved by the city engineer so that it merges with the street pavement; the paving shall be adequate and suitable for the traffic to be carried as determined by the city engineer. The extended paving between the property line and the street

pavement shall be to the established grade or other slope fixed by the city engineer to provide for proper runoff. The paving between the property line and the street pavement may be wider than the driveway approach at the property line in order to provide for safe deceleration of vehicles turning into the applicant's premises. If the applicant's paving is extended beyond the property line into a street right-of-way at an intersection or crossroad, the city engineer may require the applicant to construct a suitable traffic island or curb to provide for the protection of such municipal facilities as may be necessary.

- (6) Unless specifically authorized by the access connection permit, the paving may not extend beyond the property line into a street right-of-way at an intersection or crossroad. If the access connection permit authorizes such an extension, the permit may be conditioned on construction of a traffic island or curb to provide for the protection of municipal facilities.
- (7) Reconstruction of existing access connections shall conform to the provisions of this chapter, and curbs shall be replaced in accordance with design standards adopted by the city engineer.

7.435 **Driveways Access Connections - Use of Public Property.** ~~City street Public~~ rights-of-way may not be used for private commercial purposes except under provisions of a revocable permit. A permit for the construction of ~~driveway approaches~~access connections shall not be issued unless vehicles to be served or serviced can be parked entirely within the private property lines.

7.440 **Access Connections - Hazardous to the Public.**

- 1. If an access connection is deemed by the city manager or manager's designee to be hazardous to the public's use of the right-of-way, the access connection shall be relocated and/or reconstructed by the owner(s) of the property served by the subject access connection. The determination that an access connection is hazardous to the public's use of the right-of-way shall be based on traffic engineering principles and traffic investigations.
- 2. Upon determination by the city manager or manager's designee that an existing access connection is a hazard to the public's use of the right-of-way, the city shall send the owner(s) of the property served by the subject access connection notice of the determination.
- 3. The owner(s) of the property served by the subject access connection may appeal the determination in accordance with section 2.021 of this code.
- 4. If no appeal is filed within the time specified in section 2.021 of this code, the owner(s) of the property served by the subject access connection shall have 90 days from the date of the notice to relocate and/or reconstruct the access connection to conform to the provisions of this code and adopted design standards.
- 5. If the owner fails to relocate and/or reconstruct the access connection to conform to the notice within 90 days, the city manager or manager's designee will cause the relocation and/or reconstruction to be completed and all expenses will be assessed against the property owner.

7.445 **Construction in Public Right-of-Way.**

- (1) The city manager is authorized to issue a permit for an oversized ~~curb~~access connection or a revocable permit for construction or location of a retaining wall, steps, terracing, plantings, planters, walkways, projecting

building features, and other appurtenances to be installed within a public street right-of-way at the property owner's risk and subject to the following conditions and requirements.

- (a) Adequate plans and specifications for the proposed installation are submitted to the city engineer.
 - (b) Conditions approved by the city engineer shall be attached to and made a part of the application and plans.
 - (c) That the structures comply with the applicable codes or ordinances of the city with regard to structural safety, sanitation, setback, and fire safety requirements.
 - (d) That the requests be evaluated by the city engineer in regard to any adverse effect on adjoining properties.
 - (e) That there be no interference with the use of the public street for roadway, walkway, existing or proposed utilities and other authorized uses.
 - (f) That said permit shall be revocable by the city on demand except in the case of oversize ~~curb cut~~access connections.
 - (g) All plantings shall be first approved by the city manager or designee.
 - (h) The form of permit shall be approved by the city attorney.
 - (i) A fee for the permit shall be charged to the applicant as set by the city manager under section 2.020 of this code.
 - (j) The applicant shall agree to the foregoing conditions for the approval of said permit.
- (2) The city manager is authorized to permit special sidewalk surfaces over and above those allowed in the standard specifications for paving; provided, however:
- (a) The surfacing has been approved by the city engineer from the standpoint of non-skid requirements.
 - (b) Blocks, bricks, and other sidewalk materials are imbedded to prevent rocking or differential settlement.
 - (c) The surfacing will be maintained by and at the expense of the abutting property owner.
 - (d) If the surfacing proves hazardous in the opinion of the city engineer, the surfacing will be replaced with material either meeting city specifications or approval.

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